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THE UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH

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UNITED STATES OF AMERICA,

Plaintiff,

v.

GP SILVER, a Utah corporation, and  
GORDON PEDERSEN, an individual,

Defendants.

**MEMORANDUM DECISION AND  
ORDER GRANTING IN PART AND  
DENYING IN PART UNITED STATES  
OF AMERICA’S MOTION FOR A  
DEFAULT CERTIFICATE AGAINST  
GP SILVER LLC AND GORDON  
PEDERSEN**

Case No. 2:20-cv-00279

District Judge David Barlow

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Before the court is Plaintiff United States of America’s Motion for a Default Certificate Against GP Silver, LLC, and Gordon Pedersen (“Motion”).<sup>1</sup> For the reasons stated, the court grants in part and denies in part the Motion.

**BACKGROUND**

The United States brings one cause of action against GP Silver, LLC (“GP Silver”) and Gordon Pedersen.<sup>2</sup> GP Silver and Mr. Pedersen were both served on April 28, 2020.<sup>3</sup>

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<sup>1</sup> United States of America’s Motion for a Default Certificate Against GP Silver LLC and Gordon Pedersen (“Motion”), ECF No. 69, filed Aug. 7, 2024.

<sup>2</sup> Complaint, ECF No. 1, filed Apr. 27, 2020.

<sup>3</sup> Decl. of Service, ECF No. 20-1, filed May 7, 2020.

Since being served, GP Silver has not participated in this case in any way. As an entity, it can only be represented by an attorney, but none has entered an appearance. It also has not filed any pleadings or any other documents.<sup>4</sup> GP Silver has also failed to show at court hearings.<sup>5</sup>

Mr. Pedersen also has not filed any pleadings and has failed to show at court hearings.<sup>6</sup> However, Mr. Pedersen has filed a wide variety of documents,<sup>7</sup> including a motion to dismiss.<sup>8</sup>

### **STANDARD**

“To obtain a default judgment, a party must: (1) request the entry of a default certificate under [Federal Rule of Civil Procedure] 55(a) . . . ; and (2) file a motion for default judgment under [Federal Rule of Civil Procedure] 55(b) . . . .”<sup>9</sup> Entry of a default certificate is appropriate “[w]hen a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend, and that failure is shown by affidavit or otherwise.”<sup>10</sup>

### **DISCUSSION**

The United States moves for entry of a default certificate against GP Silver and Gordon Pedersen.

GP Silver has failed to participate in this case in any way. It has failed to file any pleadings or other documents defending this case. Entry of a default certificate is appropriate as to GP Silver.

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<sup>4</sup> See generally Docket.

<sup>5</sup> See Minute Entry, ECF No. 23, filed May 12, 2020.

<sup>6</sup> *Id.*; see generally Docket.

<sup>7</sup> See ECF Nos. 22, 32, 34, 40, 42–44, 50–52, 54, 55.

<sup>8</sup> Move the Court to Dismiss this Action for Lack of any Jurisdiction and/or Remove this Case to a Constitutional Court, ECF No. 41, filed June 16, 2020.

<sup>9</sup> DUCivR55-1(a).

<sup>10</sup> Fed. R. Civ. P. 55.

Mr. Pedersen, however, has participated in this case. Mr. Pedersen filed a motion to dismiss and a wide variety of other documents attempting to defend this case. Entry of a default certificate is not appropriate as to Mr. Pedersen.

**ORDER**

For the foregoing reasons, the court grants in part and denies in part Plaintiff United States of America's Motion for Default Certificate Against GP Silver, LLC, and Gordon Pedersen.<sup>11</sup> Entry of a default certificate is appropriate as to GP Silver, but not as to Mr. Pedersen.

Signed October 11, 2024.

BY THE COURT



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David Barlow  
United States District Judge

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<sup>11</sup> ECF No. 69.